IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5056 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RANGATSINH HIMMATSINH CHAUHAN

Versus

GUJARAT WATER RESOURCES DEVELOPMENT CORPN.

Appearance:

1. Special Civil Application No. 5056 of 1999

MR GM AMIN for Petitioner No. 1

MR PARESH UPADHYAY for Respondent No. 1

MR HS MUNSHAW for Respondent No. 2

MS ARCHANA RAVAL, AGP for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 01/10/2003

ORAL JUDGEMENT

When the matter has been taken up for hearing

learned advocate Mr. G.M.Amin not remained present before this Court. Once this matter has been dismissed for default and it was then restored. Learned advocate Mr. Paresh Upadhyay appearing on behalf of respondent No.1 and learned advocate Mr. H.S.Munshaw appearing on behalf of respondent No.2 and learned AGP Ms. Archana Raval appearing on behalf of respondent No.3.

2. The short grievance of the petitioner is that he was serving as Operator in Ahmedabad District Panchayat since 16.11.1961 and thereafter he was transferred to the respondent No.1 Corporation from 16.6.2000 and then he opted to remain in the present department and thereafter petitioner's option was accepted. According to the petitioner, the Government had passed a resolution dated 1.12.1988 and thereafter the said resolution was again modified by another resolution dated 18.1.1990. The employees who had opted for repatriation to the parent departments were relieved from the Corporation, consequently, the petitioner was also relieved from the respondent Corporation. The petitioner voluntarily retired from the Corporation as per the Scheme by the Corporation. The petitioner's letter of resignation was accepted by the Corporation on 10.8.1998. The petitioner was relieved on 11.8.1998 by the Corporation. The grievance is that petitioner has not been given any pension and that the petitioner is entitled the pension for the service rendered in Ahmedabad District Panchayat. Therefore, according to him he has rendered qualified service and benefit of insurance GP fund and other consequential benefits have not been given to the petitioner.

3. Learned advocate Mr. Paresh Upadhyay appearing on behalf of respondent No.1 has submitted that for the period for which the petitioner was with the Corporation, after accepting his resignation, all necessary service benefits were paid to the petitioner by the Corporation. Now nothing remain with the Corporation which is required to be given to the petitioner. Learned advocate Mr. H.S.Munshaw appearing on behalf of respondent No.2 has submitted that he received communication dated 20/24.01.2000 and according to the said communication petitioner was not at all worked with the District Panchayat Ahmedabad and he was not enbloc transferred at District Panchayat, therefore, according to the Panchayat petitioner was never appointed by the District Panahayat and he was not with the Panchayat for a period from 1961 to 1978. Even considering this fact in a such disputed facts between the parties it is open for the petitioner to make a detailed representation about his grievance

voiced in the present petition to the respondents within a period of one month from the date of receiving the copy of this order. As and when the said representation is received by the respondents, it is directed to the respondents to examine the grievance of the petitioner and pass appropriate orders in accordance with law within a period of two months from the date of receiving the representation from the petitioner. Rule is discharged. No order as to costs.

It is made clear that this Court has not expressed any opinion on merits.

(H.K.Rathod,J)

Jayanti*